UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,299	03/01/2004	Basil C. Hosmer	M066	3513

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EXAMINER
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ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/791,299	HOSMER ET AL.
	Examiner	Art Unit	
	Justin Y. Lee	2617	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 February 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-26 and 31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-26 and 31</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-5, 7-8, 9-13, 15-16, 17-21, 23-24 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Nanja (US 2002/0107830 A1) in view of Bowers (US

2003/0005455 A1) and further in view of Ikezawa et al. (US 2007/0094086 A1).

Consider claim 1. Nanja discloses receiving information preferences from a

plurality of subscribers to said mobile information system (paragraph 20, aggregator

application 207 receives user web data requests),

Transmitting said aggregated information preferences to said data source

provider (paragraph 16, the requests are sent to web server 105); and

Assembling data for said mobile information system using said aggregated

information preferences (paragraph 16, the web server 105 extracts requested

information from content 213 and sends to the system 103).

Nanja does not disclose aggregating said information preferences received from

said plurality of subscribers into aggregated information preferences, wherein at least

two of said aggregated information preferences correspond to different data of said

same data source provider and

wherein each subscriber's information preferences specify at least one type of dynamically changing information available from a same data source provider that said subscriber desires to receive through subscription to said mobile information system.

Bowers further disclose aggregating said information preferences received from said plurality of subscribers into aggregated information preferences, wherein at least two of said aggregated information preferences correspond to different data of said same data source provider (Fig. 2, 4-9 and paragraph 33-34, 50-51, 61-63, and 66, requests send from receiver modules 40a-40n and received at access module 36a-36n are aggregated corresponding to the same source module 32a-32n (data source provider)) and

wherein each subscriber's information preferences specify at least one type of dynamically changing information available from a same data source provider that said subscriber desires to receive through subscription to said mobile information system (paragraph 50, 51 and 54, real-time stream of media is the claimed dynamically changing information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Bowers into the teachings of Nanja for the purposes of increasing the network resources efficiency (paragraph 9-11).

It is known that most of the data source providers provide more than one data. Bowers also discloses receiving requests from a plurality receiver modules 40 or users and only the redundant requests to the same data are removed, therefore, there are at least two of said requests that are requesting different data from the same data source

provider or source module 32 (Fig. 2, 4-9 and paragraph 63). In order to make sure the

applicants fully understand this concept, the Examiner is introducing Ikezawa et al.

reference. The Ikezawa et al. reference is only used to show that a server can receive

multiple requests on different data and provide different data to one or more users

(paragraph 446).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to utilize the teachings of Ikezawa et al. into the teachings

of Nanja and Bowers for the purposes of energy saving and cost reduction (paragraph

7).

Consider claim 2. Nanja also discloses separating said information preferences

according to one of a plurality of channels of said mobile information system (Fig. The

requests are separated and sent to servers 105a-105c according to requested service).

Consider claim 3. Nanja also disclose transmitting said aggregated information

preferences to said data source providers responsible for providing said assembled

data for said one of said plurality of channels (Fig. 1, the requests are sent to servers

105a-105c).

Consider claim 4. Nanja also disclose transmitting said assembled data to said

mobile information system; and sending subscriber-specific feed data streams to each

one of said plurality of subscribers according to said information preferences entered by

said plurality of subscribers (paragraph 16-18, the extracted information from content

213 according to the requests is sent to the wireless unit 101).

Consider claim 5. Nanja also disclose determining which of said plurality of

subscribers are connected to said mobile information system; and wherein said sending

step comprises: sending subscriber-specific feed data streams to connected ones of

said plurality of scribers (paragraph 18, the data synchronizer application 208 transfer

any new information to the connected wireless unit 101 so it must be able to detect the

connected wireless unit before transferring the new information).

Consider claim 7. Nanja also disclose said data is contained in a data document,

wherein said data document is created from a data-descriptive meta-language

(paragraph 16, XML is a data-descriptive meta-language).

Consider claim 8. Nanja also disclose said data document is obtained by one of:

Polling a Web site containing a formatted data document; and

Polling a data server containing an unformatted data document, wherein an data

style layout transform is used to transform said unformatted data document into a

formatted data document (paragraph 16, the information can be obtained directly from

web content 213 or through a middleware components 212 for generating the data in

XML format).

Consider claims 9-13, 15-16. Claims 9-13 do not substantially differ from claims

1-5 and claims 15-16 do not substantially differ from claims 7-8 in that is a system and

computer program product performing the operations of the method of claims 1-5 and 7-

8 (also see Bowers, paragraph 29, stock quotes or news is requested by receiver

modules 20a-20n and in the stock quotes and news contains different data to different

companies or different data to different stories in the news). Thus, see claims 1-5 and 7-8 rejection for detail.

Consider claim 17-21, 23-24. Claims 17-21 do not substantially differ from claims 1-5 and claims 23-24 do not substantially differ from claims 7-8 in that is a system and computer program product performing the operations of the method of claims 1-5 and 7-8 (also see Nanja, Fig. 2 and paragraph 2 discloses the aggregation is done by a software). Thus, see claims 1-5 and 7-8 rejection for detail.

3.   Claims 6, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanja (US 2002/0107830 A1) in view of Bowers (US 20030005455 A1) and further in view of Ikezawa et al. (US 2007/0094086 A1) as applied to claims 4, 12, and 20 and further in view of Ta et al. (US 2004/0199635 A1).

Consider claim 6. Nanja and Bowers do not disclose checking assigned bandwidth limitations for each of said plurality of subscribers; and wherein said sending step comprises: sending subscriber-specific feed data streams to ones of said plurality of subscribers whose assigned bandwidth limitations has not been exceeded.

Ta et al. further disclose checking assigned bandwidth limitations for each of said plurality of subscribers; and wherein said sending step comprises: sending subscriber-specific feed data streams to ones of said plurality of subscribers whose assigned bandwidth limitations has not been exceeded (paragraph 41, checking to see if the bandwidth limit exceeded or not. If not, then transmit data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Ta et al. into the teachings of Nanja and Bowers for the purposes of improved bandwidth allocation (paragraph 14).

Consider claims 14 and 22. Claims 14 and 22 do not substantially differ from claim 6 in that is a system and computer program product performing the operations of the method of claim 6. Thus, see claim 6 rejection for details.

4.   Claims 25-26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanja (US 2002/0107830 A1) in view of Bowers (US 20030005455 A1) and further in view of Ikezawa et al. (US 2007/0094086 A1).

Consider claim 25. Nanja disclose receiving, at an enhanced broadcast server, preferences from a plurality of subscribers to a mobile information system (paragraph 20, aggregator application 207 receives user web data requests),

sending, from said enhanced broadcast server, a request for said superset of said information to said one of said at least one data provider (paragraph 16, the requests are sent to web server 105);

receiving, at said enhanced broadcast server, said requested superset of said information to said one of said at least one data provider (paragraph 16, the requests are sent to web server 105);

determining, by said enhanced broadcast server, corresponding subsets of said received superset of said information that are of interest to each of said plurality of subscribers based on each of said subscriber's preferences (paragraph 16, the web

server 105 extracts requested information from content 213 and sends to the system
103).

Nanja does not disclose aggregating, by said enhanced broadcast server, said
preferences of said plurality of subscribers for different information available from one of
said at least one data provider to form a superset of said information that is of interest to
said plurality of subscribers and; sending, from said enhanced broadcast server, said
determined subsets of said received superset of said information to each of said
plurality of subscribers and; wherein said preferences specify for each of said
subscribers a subset of information that is available from at least one data provider with
which said enhanced broadcast server is communicatively coupled and that is of
interest to said subscriber.

Bowers further disclose aggregating, by said enhanced broadcast server, said
preferences of said plurality of subscribers for information available from one of said at
least one data provider to form a superset of said information that is of interest to said
plurality of subscribers (Fig. 2, 4-9 and paragraph 33-34, 50-51, 61-63, and 66, requests
send from receiver modules 40a-40n and received at access module 36a-36n are
aggregated corresponding to the same source module 32a-32n (superset)) and;

wherein said preferences specify for each of said subscribers a subset of
information that is available from at least one data provider with which said enhanced
broadcast server is communicatively coupled and that is of interest to said subscriber
(Fig. 2, 4-9 and paragraph 33-34, 50-51, 61-63, and 66, requests send from receiver
modules 40a-40n (subset) and received at access module 36a-36n (enhanced

broadcast server) are aggregated corresponding to the same source module 32a-32n

(data provider)).

sending, from said enhanced broadcast server, said determined subsets of said

received superset of said information to each of said plurality of subscribers (paragraph

52, Aggregation module 102 sends the requested streaming or continuous media to the

receiver modules 40a-40n).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to utilize the teachings of Bowers into the teachings of

Nanja for the purposes of increasing the network resources efficiency (paragraph 9-11).

It is known that most of the data source providers provide more than one data.

Bowers also discloses receiving requests from a plurality receiver modules 40 or users

and only the redundant requests to the same data are removed, therefore, there are at

least two of said requests that are requesting different data from the same data source

provider or source module 32 (Fig. 2, 4-9 and paragraph 63). In order to make sure the

applicants fully understand this concept, the Examiner is introducing Ikezawa et al.

reference. The Ikezawa et al. reference is only used to show that a server can receive

multiple requests on different data and provide different data to one or more users

(paragraph 446).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to utilize the teachings of Ikezawa et al. into the teachings

of Nanja and Bowers for the purposes of energy saving and cost reduction (paragraph

7).

Consider claim 26. Nanja also disclose sending, to at least one of said plurality of subscribers, an aggregate of said received information from different ones of said at least one data provider that are of interest to said at least one of said plurality of subscribers (Fig. 1 and 3, data received from different services 302-307 are aggregated and sent to wireless unit 101a).

Consider claim 31. Claim 31 does not substantially differ from claim 25. Thus, see claim 25 rejection for detail.

Response to Arguments

5.   Applicant's arguments filed 2/1/08 have been fully considered but they are not persuasive.

Regarding the applicant's argument on insufficient reason to combine Bowers with Nanja references.	In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in

| | the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine Bowers with Nanja references is to increase the network resources efficiency (paragraph 9-11 of Bowers). |
| Applicant argues that the combination does not teach or suggest aggregating information preferences received from a plurality of subscribers where at least two of the aggregated information preferences correspond to different data of a same data source provider. | In respond to applicant's argument, Ikezawa teaches a server can provide more than one kind of data to different users (paragraph 446) and Bowers teaches an aggregation module 102 aggregating different requests from different users and receive different services and send to the different users (paragraph 33-34, 50-51, and 61-63). When Ikezawa combined with Bowers, the server of Bowers can provide different data to different requests from |

	different users and an aggregation module 102 would also aggregate the different data for the requesting users. The motivation to combine Ikezawa and Bowers is for saving energy and cost reduction (paragraph 7 of Ikezawa).
Applicant argues that Bowers' requests for streaming media files do not specify "types" of media files selected by a subscriber.	In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., specifying types of file or data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In respond to applicant's argument regarding to the limitation "each subscriber's information preferences specify at least one type of dynamically changing information", Bowers teaches

	subscriber's information preferences is a type of a streaming media files (one type out of stock quotes, news and other text streams in paragraph 29). Therefore, Bowers teaches at least one type of dynamically changing information.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Y. Lee whose telephone number is (571) 272-5258. The examiner can normally be reached on M - Thu   7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Lee
AU 2617
4/15/08

/Duc Nguyen/

Supervisory Patent Examiner, Art Unit 2617